

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

The Kroger Company,	)	
	)	
Plaintiff,	)	Case No. 1:02-CV-439
	)	
vs.	)	
	)	
Malease Food Corporation,	)	
	)	
Defendant.	)	

O R D E R

Pursuant to the mandate from the Court of Appeals in The Kroger Co. v. Malease Food Corp., \_\_F.3d\_\_, No. 04-4512, 2006 WL 300432 (6th Cir. Feb. 9, 2006), this Court's order of November 23, 2004 (Doc. No. 60) directing Defendant Malease Food Corporation to show cause is hereby **VACATED**. The complaint is **DISMISSED WITHOUT PREJUDICE** for lack of personal jurisdiction over Malease Food Corporation. **THIS CASE IS CLOSED.**

**IT IS SO ORDERED**

Date March 8, 2006

s/Sandra S. Beckwith  
Sandra S. Beckwith, Chief Judge  
United States District Court